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Docket No.: 577172001900
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Steven O. MARKEL

Application No.: 10/766,723

Art Unit: 2176

Filed: January 27, 2004

Examiner: TBD

For: On-Content Streaming Media Enhancement

PETITION FOR A CORRECTED FILING DATE UNDER 37 CFR 1.10(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner for Patents to correct the filing date for the above-identified application. The Filing Receipt erroneously indicates the filing date of the present application as January 28, 2004. The correct filing date is January 27, 2004, the date on which the application and accompanying documents were deposited with the U.S. Postal Service as Express Mail.

The undersigned Petitioner:

1) has filed this Petition promptly after becoming aware that the USPTO accorded a filing date other than the USPS deposit date,

2) states that the number of the Express Mail mailing label was placed on the correspondence prior to the original mailing by Express Mail,

3) includes a true copy of the Express Mail mailing label showing the “date-in” of January 27, 2004 and shows below that the requested filing date is the date that the correspondence was deposited with the United States Postal Service. The attached corroborating evidence includes evidence from the USPS.

The present application was deposited as Express Mail with the United States Postal Service on January 27, 2004. Attached as **Exhibit A** is a copy of Express Mail Receipt No. EL 975282287 US, dated January 27, 2004, with which the present application was mailed. **Exhibit A** shows that the Express Mail mailing label bears the “date-in” of January 27, 2004.

Attached as **Exhibit B** is a copy of the Patent Application and Fee Transmittal Letter as mailed, showing a certificate of mailing by Express Mail which:

- (1) contains the Express Mail Receipt Number;
- (2) lists the January 27, 2004 date of mailing by Express Mail; and
- (3) contains the signature of the person who mailed the application.

Thus, under 37 C.F.R. § 1.10, the present application is entitled to a filing date of January 27, 2004.

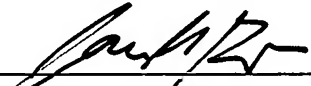
Attached as **Exhibit C** is a copy of the date-stamped return receipt postcard mailed with the present application. The postcard was erroneously stamped January 28, 2004, instead of the January 27, 2004 Express Mail deposit date. Attached as **Exhibit D** is a copy of the filing receipt also erroneously showing January 28, 2004 as the filing date.

As the incorrect filing date is due to an error of the U.S. Patent and Trademark Office, Applicant believes that no fees are necessary. However, in the unlikely event that the transmittal letter is separated from this Petition and the U.S. Patent and Trademark Office determines that a fee is required, Applicant petitions for any required relief including extensions of time and authorize the

Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 57717-2001900.

Dated: July 2, 2004

Respectfully submitted,

By 

James M. Denaro

Registration No.: 54,063

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

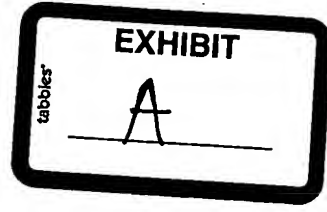
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(703) 760-7739

EL 975282287 US



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EL 975282287 US



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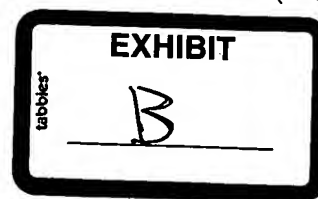
The Law Offices of William W. Cochran II, LC
3555 Stanford Road, Suite 230
Fort Collins, Colorado 80525

PATENT APPLICATION

DOCKET NO.: INTE.32USU1 (ITC36)

IN THE U.S. PATENT AND TRADEMARK OFFICE
Patent Application and Fee Transmittal Letter Large Entity

MAIL STOP PATENT APPLICATION
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450



Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is a(n):

- (X) Utility () Design (X) original patent application,
() continuing application,
() continuation-in-part () continuation or () divisional of S/N _____ filed _____

INVENTOR(S): Steven O. Markel, 3031 E. Wyecliff Way, Highlands Ranch, CO 80126

TITLE: On-Content Streaming Media Enhancement

Enclosed are:

- (X) Specification 26 pages, including 7 pages claims and 1 page Abstract () Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i) (form PTO/SB/35 is attached)
(X) The Declaration and Power of Attorney. () signed (X) unsigned or partially signed () Certified Copy of Priority Document(s) (if foreign priority is claimed)
(X) 8 sheets of (X) formal drawings () informal drawings (X) Return Receipt Postcard (MPEP 503)
() Information Disclosure Statement and Form PTO-1449 () Other: _____
() Assignment Papers (cover sheet & document(s)) & \$40.00 recording fee

| CLAIMS AS FILED BY LARGE ENTITY | | | | |
|--|---------------------|---------------------|-------------|---------------|
| (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) TOTALS |
| TOTAL CLAIMS | 26 | 26 - 20 = 6 | X \$18 | \$108.00 |
| INDEPENDENT CLAIMS | 10 | 10 - 3 = 7 | X \$86 | \$602.00 |
| ANY MULTIPLE DEPENDENT CLAIMS | | | X \$290 | \$0 |
| BASIC FEE: Design (\$340); Utility (\$770) | | | | \$770.00 |
| TOTAL FILING FEE | | | | \$1,480.00 |
| OTHER FEES | | | | 0 |
| TOTAL CHARGES | | | | \$ |

(X) Attached is a check for \$1,480.00.

() Please charge to Deposit Account 50-1491 the amount of \$_____.

Please charge any additional required fees or credit any over payment to Deposit Account 50-1491 pursuant to 37 CFR 1.25. A duplicate copy of this sheet is enclosed.

"Express Mail" label no.: EL 975282287 US

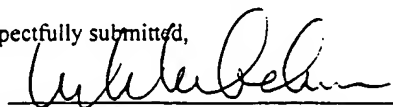
Date of Deposit: January 27, 2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail" Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Typed name: Zabrina Perry

(Rev. 11/7/96) 733818

Respectfully submitted,

By: 
William W. Cochran II
Attorney/Agent for Applicant(s)
Reg. No.: 26,652
Telephone No.: 970-377-6363

Date: January 27, 2004

- Attach as First Page to Transmitted Papers -


EL 975282287US



RECEIVED FEB 06 2004

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: Steven O. Markel
For: On-Content Streaming Media Enhancement
Docket No.: INTE.32USU1 (ITC36)
Mailed: January 27, 2004

19270 U.S. PTO
10/766723

012804

Sent via Express Mail No. EL 975282287 US: Transmittal Cover Sheet (in duplicate); U.S. Patent Application including 26 pages specifications; including 7 pages of claims; 1 page abstract; 8 pages of FORMAL drawings; Declaration and Power of Attorney (unsigned); check in the amount of \$1,480.00 and this Return Receipt Postcard.

Patent

WWC

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By



UNITED STATES PATENT AND TRADEMARK OFFICE



Page 1 of 2

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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|---------------------|----------|----------|----------|
| 10/766,723 | 01/28/2004 | 2176 | 1480 | INTE.32USU1 (ITC36) | 8 | 26 | 10 |

CONFIRMATION NO. 3449

27479
COCHRAN FREUND & YOUNG LLC
3555 STANFORD ROAD
SUITE 230
FORT COLLINS, CO 80525

FILING RECEIPT



OC000000013000749

Date Mailed: 06/21/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Steven O. Markel, Highlands Ranch, CO;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/443,635 01/28/2003

Foreign Applications

If Required, Foreign Filing License Granted: 06/19/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

On-content streaming media enhancement

Preliminary Class